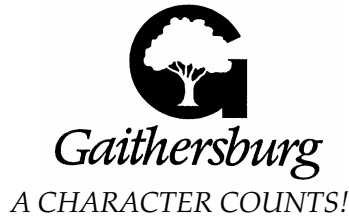


DRAFT



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MAY 15, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Finance and Administration Director Belton, Planning and Code Administration Director Ossont, Engineering Services Director Mumpower, Planner Patula, Planner Marsh, Human Services Director Carr, Environmental Services Director Shingara, City Manager's Office Intern Leaf, City Attorney Borten and Administrative Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Susanna Leaf, City Manager's Office Intern.

II. INVOCATION

The invocation was led by Reverend Gail Unterberger, Pastoral Psychotherapies Group.

III. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held May 1, 2006, be approved.

Vote: 5-0

IV. CONSENT ITEMS

1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for Stormwater Management Facilities Maintenance and Repair

This resolution authorized the City Manager to enter into a contract for the above with Storm Water Management Facilities Repair Group, Inc., 8105 Crabapple Lane, Gaithersburg, Maryland 20879, in the amount not to exceed Sixty Thousand Dollars (\$60,000); said funds to be expended from the Capital Improvements Budget.

2. Resolution of the Mayor and City Council of Gaithersburg Authorizing the City Manager to enter into a Contract to Replace a Retaining Wall and Section of Pathway on Solitaire Court

This resolution authorized the City Manager to award a contract for the above to Romano Concrete Construction, Inc. 7800 Penn Western court, Upper Marlboro, Maryland 20772, in the amount of Thirty-Three Thousand Nine Hundred Dollars (\$33,900); said funds to be expended from the Capital Improvements Budget.

3. **Resolution of the Mayor and City Council of Gaithersburg Authorizing the City Manager to Enter into a Contract for the Purchase and Installation of Emergency Equipment for Police Vehicles**

This resolution authorized the City Manager to award a contract for the above purchase to Major Police Supply, 47 North Dell Avenue, Kenvil, New Jersey 07847, in the amount of Fifty Thousand Forty-Seven Dollars (\$50,047); said funds to be expended from the Operating Budget.

Motion was made by Council Member Marraffa, seconded by Council Member Schlichting that the Consent Agenda (Resolution Nos. R-48-06 and R-50-06), be approved.

Vote: 5-0

V. **APPOINTMENTS**

Resolution of the City Council Confirming Appointments by the Mayor

This resolution confirmed the following: **Board of Supervisors of Elections**, Nancy Azarmanesh (appointment), 239 Grange Hall Drive and Richard Knoebel (appointment), 202 Rolling Road, Gaithersburg, Maryland 20877, completion of unexpired terms to expire 07/2008; and the **Historic Preservation Advisory Committee**, Warren Johnson (appointment), 104 Chestnut Street, Gaithersburg, Maryland 20877, three-year term.

Motion was made by Council Member Alster, seconded by Council Member Edens, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT BY THE MAYOR TO THE BOARD OF SUPERVISORS OF ELECTIONS AND HISTORIC PRESERVATION ADVISORY COMMITTEE (Resolution No. R-51-06), be approved.

Vote: 5-0

VI. **OATH OF OFFICE TO THE BOARD OF SUPERVISORS OF ELECTIONS**

- Mayor Katz administered the Oath of Office to **Richard Knoebel** to execute the office of Board of Supervisors of Elections, according to the Constitution and Laws of the State of Maryland.

VII. **PRESENTATIONS**

1. **Report from the Ethics Commission**

Chairman Piel briefed the Mayor and City Council on the responsibilities of the Commission consisting of three members (Wm. Louis Piel, L. Lee Manuel and James W. Jacobs). The Commission has the responsibility to fulfill the Ethics Code of the City, Chapter 7A. Annually, the Commission receives and reviews financial disclosure and conflict of interest statements from City elected and appointed officials and staff members. Chair Piel thanked City Manager Humpton and Office Manager Sarah Paxton for their support and assistance. The members were acknowledged for their hard work.

2. **Proclamation**

- Designating May 7, 2006, as "*Gaithersburg HELP Day*" in the City of Gaithersburg. Mayor Katz presented the Proclamation to the Reverend Louis Piel and Janet Neumann. On May 7, 2006, Mayor Katz attended a volunteer recognition celebration hosted by the Gaithersburg HELP Board of Directors at Grace United Methodist Church. The organization has assisted the needy and low income families for over thirty-five years.

3. Certificates of Recognition

- Terry and Charles Kirtz – received the 2006 Historic Preservation Award for outstanding adaptive reuse of the Thompson House, also known as Little Zoar at 104 Russell Avenue, to become the City's first Bed and Breakfast.
- Hallam and Shirley Webber - 2006 Historic Preservation Award for outstanding restoration and preservation of the Moore-Bell House at 24 Brookes Avenue.

4. Presentation Regarding the East Deer Park Drive Bridge

Engineering Services Director Mumpower gave background on the above matter. He stated that on April 25, 2005, a presentation was given by Montgomery County to Gaithersburg and Washington Grove. At said meeting, the County recommended a new two lane bridge to be placed in approximately the same location as the existing one lane bridge. He further stated that in order to meet CSX requirements, the new bridge would need to be both higher and longer, but the City's position was that the bridge be maintained "as is." Staff has held several meetings with the County since that meeting to address various issues raised regarding the proposed bridge design, life of bridge, funding for major repairs, maintenance and traffic projections.

Mr. Mumpower stated that the County is seeking to conclude their Phase One Facility Planning Study and asked for further input from the City before moving forward with their recommendations. He stated that the County did not give an indication when the issues would be addressed before the County Council. Staff recommends that the City and County have an opportunity to review the Washington Grove Engineering report and subsequent meetings between all jurisdictions be held to discuss amongst all parties the feasibility of implementing the recommendations.

5. Update on the Day Laborer Center

City Manager Humpton gave a progress report focusing on the following three key issues 1) working with Grace Church on the short term solution; 2) meeting with County staff on procedural issues; and 3) possible center sites. He stated that during discussions with Grace United Methodist Church, it was decided against relocating the workers as a short term solution. The City has instead arranged for regularly patrol by City Police at the Church and the surrounding neighborhood. City staff has also met with County staff to discuss a contract selection process for the operation of the proposed day laborer center. Mr. Humpton reported that Montgomery County would seriously consider the City's request to open up the process to qualified bidders. He further stated that staff has been traveling throughout the City to identify sites that meet the criteria of the Day Laborer Task Force's Report. He stated that there are a number of site possibilities, and asked the public to email any suggestions. City Manager Humpton announced that a public discussion will be held before the Mayor and City Council prior to the consideration of a lease for a site. He further stated that City staff is investigating full service given at day laborer centers in other areas.

VIII. PUBLIC APPEARANCES

1. *Richard Arkin, 121 Selby Street*, endorsed the remarks made above by Mr. Mumpower regarding the East Deer Park Bridge. He expressed that he would like to see its historic integrity of the bridge maintained.
2. *Janet Neumann, 211 East Deer Park Drive*, asked that the East Deer Park Bridge remain one lane and requested that the City emphasize during discussions the importance of preserving the bridge as a landmark.

3. *Michael Stumborg, 15 Walker Avenue*, expressed opposition to CASA as a sole source for the proposed day laborer center and request that it be management by a group with roots in the Gaithersburg community. He submitted for the City Council's review a FY'06 Non-Competitive Contract Awarded to CASA de Maryland, Inc. and expressed opposition to any involvement by said organization for the proposed center.
4. *Prentiss Searles, 10 Walker Avenue*, questioned the level of service for the proposed day laborer center and asked the Mayor and City Council to use the Task Force's Report as a reference. He asked that the services not be duplicated by other agencies serving the Gaithersburg community.
5. *Steven Shriner*, expressed opposition to CASA de Maryland managing a proposed day laborer center in Gaithersburg. He reiterated that day laborers do not pay taxes and that the City should look out for the well-being of the Gaithersburg community.
6. *Cathy Dryzgula, 16 Walker Avenue*, reiterated the goals of the Task Force which she served on and asked that the City Council not ignored the recommendations submitted. Stated she is not opposed to humanitarian efforts by the City Council, but asked that the City not provide service to illegal residents.
7. *Mayor John Compton, Washington Grove*, asked that the historic nature of the East Deer Park Bridge be maintained and preserved. He stated that removing the historic bridge would have consequences and would alter the communities on both sides of the bridge. He expressed appreciation for the City's support in attempting to resolve issues with the County and CSX.

IX. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Schlichting

Recapped the grand opening of the first environmentally-sensitive Green Building, Youth Center at Robertson Park held on Friday, May 5, 2006. He suggested that the City project team give a presentation at an upcoming meeting on the development of the youth center to assist with future development.

Council Member Alster

Announced that on Saturday, May 20, 2006, 7 p.m., the Gaithersburg Community Chorus will present an evening of show tunes and more. The concert will be held at the Gaithersburg High School Auditorium. Admission is free.

Council Member Marraffa

1. Reported that on May 17, 2006, he will testify before the Government Accounting Office on the success and importance of Community Development Block Grant Funds.
2. Stated he will travel to Wichita, Kansas, to conduct further discussions on the National Leagues of Cities Immigration Task Force.

Council Member Sesma

1. Asked for a report from staff on the status of the fleet parking occurring at the commuter lot on West Diamond and I-270.
2. Proposed that a public forum be held in partnership with Rockville or other municipalities that are dealing with similar housing issues and affordable housing legislation. Mayor Katz suggested that to begin, City Staff should attend the forum on affordable housing hosted by Takoma Park and the

Council of Governments.

Mayor Katz

1. Suggested that the City move forward with establishing a task force to address affordable housing issues.
2. Reported that Frommer's Travel Guide listed Gaithersburg as the 2nd best place in America to raise a family.
3. Requested the following motion for a closed executive session:

Motion was made by Council Member Sesma, seconded by Council Member Edens, that the Mayor and City Council of Gaithersburg conduct a closed executive session on Monday, March 15, 2006, immediately following the regular meeting, pursuant to Sec. 10-508(a)(7) of the Annotated Code of Maryland, to obtain legal advice from Counsel. The topic to be discussed is legal issue related to the City's consideration of an Adequate Public Facilities Ordinance.

Vote: 5-0

4. Stated the City conducted interviews for the alternate positions for the Board of Appeals and the Planning Commission. He mentioned that one additional interview has to be scheduled.
5. The Mayor and City Council will conduct a FY 2007 Budget Work Session at the Casey Community Center on Monday, May 22, 2006 at 7 p.m., and if needed, another budget work session on Wednesday, May 24, 2006 at 7 p.m.

X. FROM THE CITY MANAGER

1. He stated that City staff attended the Montgomery County Council meeting and requested funding for the City's Aquatic Recreation Center. He reported that the County Council voted to provide \$6 million over a three-year period. Mayor Katz asked staff to send a thank you letter to the County Council.
2. Reported with sadness the passing of City employee Charlie Burkey. Mr. Burkey worked at the Gaithersburg Police Department and previously for Montgomery Police Department.

XI. PUBLIC HEARINGS

1. **An Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2006, Through June 30, 2007, and Levying an Ad Valorem Tax on all Assessable Property Within the City of Gaithersburg, Maryland**

City Manager Humpton presented the proposed FY '07 City Budget. He stated that copies are available for the public at City Hall and can be reviewed on the City's website. He announced that the budget work sessions are scheduled to be held at the Casey Community Center on Monday, May 22, 2006, 7 p.m., and if needed on Wednesday, May 24, 2006. He stated that the public hearing and notification of the constant yield tax rate were advertised in the April 26, 2006 issue of the *Gaithersburg Gazette*. He stated that the budget was guided by 11 Strategic Directions which were approved by the Mayor and City Council. The City also held their annual Budget Forum to receive input from the public. He stated that under the FY'07 Budget, the real property tax rate of 21.2 cents per \$100 of assessed value is proposed. Additionally the ad valorem tax on tangible person property is proposed to remain at the rate of 53.0 cents per \$100 of assessed value. He

further stated that staff has conducted discussion of a possible real property tax rate reduction, but following analysis of the possible change is not advisable at this time due to operating costs and major new and planned facilities.

City Manager Humpton recommended continuing to provide municipal supplement to the Maryland Homeowners Property Tax Credit Program which is administered by the State of Maryland, but funded out of City property tax revenues. He stated it would allow credits against the homeowner's property tax bill, if the taxes exceed a fix percentage of the person's gross income.

The total proposed City budget including operating capital components is approximately \$46.4 million; operating budget of \$35.2 million is up approximately 10.2 percent; capital budget of approximately \$11.2 million is increased by 21.3 percent. He added that fewer reserve funds of approximately \$3 million are being proposed to be used. He noted that the increase allocation to the Capital Improvement Budget is supported by State and County contributions. The City is projecting a 17 percent increase in total City revenues for FY '07. He stated that revenue has been received from the continuing sale of property in Olde Towne. Mr. Humpton added that grants from County, State and Federal sources have increased.

In the proposed Operating Budget, changes are expected due to the hiring of new personnel to handle public safety, public work improvements and code administration. Mr. Humpton reviewed the various departmental initiatives for the Mayor and City Council. He stated that the City recently conducted an employee compensation review to compare the salaries of City employees to those in other local jurisdictions.

The proposed Capital Improvement Plan of approximately \$11.2 million will assist with funding to make the Gaithersburg Aquatic/Recreation Center project a reality. He stated that \$2.7 million is allocated for street resurfacing and reconstruction; stormwater management projects; Teacher's Way Project; Market Square Park/Plaza; and an account for emergency preparedness needs. Other Capital Improvements Projects include Historic District improvements, repairs and maintenance to Kentlands Mansion, building repairs and space utilization assessments at City facilities, technology projects, sidewalks, handicapped ramps and bike pathways, and design and construction press boxes at Morris Park. In closing, City Manager Humpton asked the Mayor and City Council close their record on the City's Budget on Friday, May 26 at 5 p.m., with final adoption expected on Monday, June 5, 2006. Mr. Humpton thanked the Mayor and City Council, staff, and the citizens for their efforts and involvement in the annual budget process.

Speakers from the public were:

1. *Blanche Keller, 911 Wild Forest Drive*, commended the Mayor and City Council on the Recreation facilities in Gaithersburg and for the recognition of being the 2nd best place to raise a family. She requests that the City's proposed Capital Improvement Budget include a new Senior Center. She stated the renovations and improvements of the existing center are not sufficient. Ms. Keller suggested site visits of other senior center in the surrounding areas.
2. *Denise Philips, 18412 Jasmine Way*, expressed support for the funding of a new senior center for Gaithersburg due to the highly utilization of the existing center. She further stated that the space of the existing center is not sufficient to run the programs.
3. *Richard Arkin, 121 Selby Street*, support the comments of the prior two speakers and asked the City Council to identify a site and funding be made available. He commended staff on the City budget. Expressed support for the increase of police and public works staff, but ask also for additional staffing for Planning. Mr. Arkin asked for increased funding for the Market Square Plaza project and the Gaithersburg Aquatic Center on Edison Park Drive. He pointed out the attendance figures at the Arts Barn and asked the City Council to consider planning for expansion.

4. *Cathy Dryzgula, 16 Walker Avenue*, expressed support for renovations to the Olde Towne Youth Center and asked the City Council to take a risk on the Olde Towne Clock Tower.

There were no other speakers at the hearing.

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the City Council record on the above, be held open until the close of business on May 26, 2006.

Vote: 5-0

2. **Public Hearing to Establish a Constant Yield Tax for the City of Gaithersburg for Tax Year Beginning July 1, 2006**

Finance and Administration Director Belton stated the public hearing was advertised in the *Gaithersburg Gazette* on April 26, 2006, with no exhibits in the record file. Staff recommended that the Mayor and City Council conduct a public hearing, notifying the public that the proposed real property tax rate of \$.212 per \$100 of assessed value will be voted on with the adoption of the FY '07 budget on June 5, 2006. He asked the City Council to make a motion to close the record on May 26, 2006.

There were no speakers at the hearing.

Motion was made by Council Member Marraffa, seconded by Council Member Edens, that the City Council record on the above, be held open until the close of business on May 26, 2006.

Vote: 5-0

RECESSED THE MAYOR AND COUNCIL MEETING AT 9:01 P.M.
AND RECONVENED AT 9:14 P.M.

XII. ORDINANCES AND RESOLUTIONS

1. MP-2-04, GE Tech Park Special Study Area

Planning and Code Administration Director Ossont stated that a resolution for the above would adopt an amendment to the City of Gaithersburg Master Plan, specifically Special Study Area 10: G.E. Technology Park. He stated that a joint public hearing was held on December 6, 2004, joint work session February 15, 2005, a second joint work session was held on November 28, 2005, and a Town Hall meeting on March 15, 2006. The record was held open until April 20, 2006. He further stated that the Mayor and City Council held a Policy Discussion on May 1, 2006 and concurred with the Planning Commission recommendations, with special conditions for comparable mix and density and the preservation of Map Designation 1 as open space. Staff was directed at the May 1, 2006 meeting to prepare a resolution with conditions for final action at an upcoming meeting.

Motion was made by Council Member Edens, seconded by Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL ADOPTING AN AMENDMENT TO THE GENERAL PLAN FOR THE CITY OF GAITHERSBURG MASTER PLAN AMENDING THE LAND USE ELEMENT, SPECIAL STUDY AREA TEN, THE GE TECHNOLOGY PARK (Resolution No. R-53-06), be approved.

Vote: 3-0-2 (Opposed: Marraffa and Schlichting)

2. Resolution Supporting of the Maryland Community Investment Tax Credit Program Application for Junior Achievement of the National Capital Area

This resolution of the Mayor and City Council expresses support and approval of the Project. The Junior Achievement of the National Capital Area has applied to the Department of Housing and Community Development of the State of Maryland for approval of the Project and an allocation of tax credits for business entities that contribute to the Project, under the Department's Community Investment Tax Credit Program. The funding will come from corporations and small business to directly support high school student in the area with this project.

Motion was made by Council Member Schlichting, seconded by Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL IN SUPPORT OF THE MARYLAND COMMUNITY INVESTMENT TAX CREDIT PROGRAM APPLICATION FOR JUNIOR ACHIEVEMENT OF THE NATIONAL CAPITAL AREA (Resolution No. R-52-06), be approved.

Vote: 5-0

XIII. FROM STAFF

Assistant City Manager Felton

- Staff recommended that the Mayor and City Council consider voting to close the record on the Crown Farm Annexation – X-182, as of Wednesday, May 31, 2006. He stated that the process began in the Fall with a charrette followed by a public hearing and a series of work sessions and presentations. Mr. Felton stated that the Planning Commission as well the County is ready to move forward. He stated the progress is being made on the annexation agreement which will be posted on the City's website by 5 p.m. on Thursday, May 25, 2006, with anticipated final action on June 5, 2006.

The Mayor and City Council questioned the timeline for their review of the agreement and the ten days notice for the written agreement to be reviewed by the public. Staff was asked to return when a document is ready for review.

XIV. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:25 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Administrative Assistant

